

REMARKS/ARGUMENTS

Claims 1-17 and 45 are active.

Claims 14-16 stand withdrawn but are retained for the Office's consideration of rejoinder.

Claim 13 is amended to delete the term "solvate" that was noted in the Applicants last response. Therefore, the rejection applied under 35 USC 112, first paragraph to claim 13 is no longer applicable. Claim 13 is also amended to remove non-elected subject matter.

Claims 1 and 8 have been amended to limit the A group to the elected subject matter, phenyl or naphthyl ring optionally at least mono-substituted. Claims 7 and 12 have been similarly modified and the definitions for Z, m and m1 have been deleted.

Although the non-elected subject matter has been deleted, it is, of course, recognized as Applicants right to pursue that subject matter in a divisional application, in accord with 35 USC § 121.

Concerning the obviousness-type double patenting rejections, a terminal disclaimer is filed here with respect to U.S. patent no. 7,414,070 and U.S. patent no. 7,464,640.

With respect to the co-pending 10/566,094, in accord with MPEP § 822.01, if the "provisional" double patenting rejection in present application is the only rejection remaining, the examiner should then withdraw that rejection and permit the present application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application into a double patenting rejection at the time the present application issues as a patent, if even applicable.

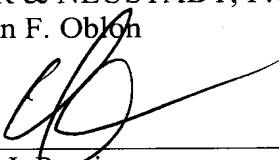
Application No. 10/566,164
Reply to Official Action of November 27, 2009

A Notice of Allowance is requested.

Respectfully Submitted,

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/07)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Daniel J. Pereira
Registration No. 45,518

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